REMARKS

In the non-final Office Action dated April 22, 2008, it is noted that claims 1 – 28 are pending in the application.

The Office Action indicates that Applicants claim the benefit of 60/445,265 filed on 02/05/2003 but data provided by Applicants is not consistent with PTO records. However, the Office Action does not provide any description of what the inconsistency is between the data provided by the Applicants and the PTO records. Applicants request that additional information regarding the inconsistency be provided so that any discrepancies can be resolved.

In the present amendment, Applicants have amended claim 1 for non-statutory reasons. In the amended claim 1, the commas that separate the claim elements have been replaced with semicolons, so as to clarify the delimitations of the claim elements. In the Office Action, page 2, it appears that the Office has misidentified the demarcation between the element: "communicating a first response from the target node to the source node, immediately after the query is received at the target node," and the element "receiving the first response at the source node."

35 U.S.C. §102

The Office Action rejects claims 1 – 7 and 11 – 25 under 35 U.S.C. §102(b) over Lundkvist (US-2003/0184431).

Applicants submit that for at least the following reasons, claims 1 – 7 and 11 – 25 are patentable over Lundkvist.

For example, claim 1 requires:

> "communicating a first response from the target node to the source node, **immediately** after the query is received at the target node." (Emphasis added)

Lundkvist apparently discloses that control unit 7 of object 1 creates a message comprises first information x that is intended to be utilize for verifying the identity of the portable unit, and

that the message is encrypted and sent to portable unit 2 in a signal X (paragraph 31, lines 5 – 11). Lundkvist further discloses that the portable unit 2 receives the first signal and decrypts the message, and that the portable unit 2 processes the information and sends an encrypted signal Y1 to object 1 (paragraph 32, lines 1 – 4). Lundkvist, Fig. 2, shows the time sequence of the events, and it clearly shows that the message Y1 is not sent until X is decrypted and f(x) is determined. Similarly, Lundkvist, Fig. 3 and paragraph 34, clearly shows that the portable unit sends a response Z only after X is decrypted and message z is determined. Therefore, the portable unit 2 in Lundkvist does not immediately sends a response. Rather, it only sends a response after decrypting and processing the signal. Therefore, Lundkvist does not teach or suggest the feature: communicating a first response from the target node to the source node, **immediately** after the query is received at the target node, as claimed.

In view of the foregoing, Applicants submit that claim 1 is patentable over Lundkvist.

Claims 11 and 18 are also patentable because they contain many similar distinguishing features as in claim 1.

For example claim 11 requires:

> "a communication device that is configured to receive a query from a source node and to transmit a first response that facilitates proximity verification of the node, to the source node **immediately** upon receipt of the query." (Emphasis added)

Similarly, claim 18 requires:

> "a communication device that is configured to transmit a query to a target node and to receive an **immediate** first response and a second response from the target node." (Emphasis added)

Applicants essentially repeat the above arguments for claim 1 and apply them to claims 11 and 18 pointing out why Lundkvist fails to disclose the feature: a communication device that is configured to receive a query from a source node and to transmit a first response that facilitates proximity verification of the node, to the source node **immediately** upon receipt of the query, as claimed in claim 11, or the feature: a communication device that is configured to

transmit a query to a target node and to receive an **immediate** first response and a second response from the target node, as claimed in claim 18. Therefore, claims 11 and 18 are also patentable over Lundkvist.

Claims 2 – 7, 12 – 17 and 19 – 25 are patentable because they respectively depend from claims 1, 11 and 18, with each claim containing further distinguishing features. Withdrawal of the rejection of claims 1 – 7 and 11 – 25 under 35 U.S.C. §102(b) is respectfully requested.

35 U.S.C. §103

The Office Action rejects claims 8 – 10 and 26 – 28 under 35 U.S.C. §103(a) over Lundkvist in view of Davis et al. (US-6088450).

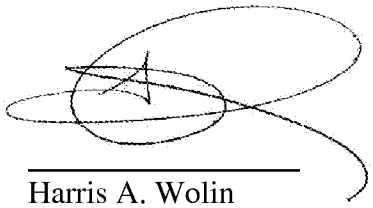
Applicants submit that Davis et al. fails to cure the defects pointed out above with respect to Lundkvist. Therefore, claims 8 – 10 and 26 – 28 are patentable because they respectively depend from claims 1 and 18, with each claim containing further distinguishing features. Withdrawal of the rejection of claims 8 – 10 and 26 – 28 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,



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